

REMARKS

A. The amended claims fulfill the requirements of 35 U.S.C. §112, second paragraph

Claims 1-4, 6-7, 13-16, 18-19, 25-31, 33-34 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Office Action asserts that the terms “more rapidly,” “more completely,” or “less painfully” in independent Claims 1 and 13 are relative terms and thus indefinite. Applicants have amended these claims in response to this rejection to more particularly point out and distinctly claim the subject matter of their invention. Support for these amendments can be found, *inter alia*, in the specification as filed on page 14, lines 24-26. Applicants respectfully submit that these amendments overcome the asserted ground for rejection under 35 U.S.C. §112, second paragraph, and thus respectfully request the Examiner to withdraw this ground for rejection.

B. The amended claims are not obvious under 35 U.S.C. §103

Claims 1-4, 6-7, 13-16, 18-19, 25-26, 28-31, 33-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chen *et al.* (Chen) in view of Jones *et al.* (WO 99/50268, Jones) and Spence (US Patent 4,226,232).

Specifically, the Action asserted that it would have been obvious to one of skill in the art to use an aldose reductase inhibitor (ARI) for comparative assessment of therapeutic efficacy of other agents; and assessing therapeutic efficacy of drugs in treating skin wound would require the same method steps for any skin etiology including those caused by diabetes. Applicants respectfully traverse the rejection because the prior art references do not contain any suggestion that they be combined, and even if they are combined, they would not meet the claims.

There is no teaching or suggestion to combine Jones, Chen, and Spence to provide for wound healing in diabetic patients. In particular, Jones makes use of aldose reductase inhibitors to reduce sorbitol accumulation in the sciatic nerve. The complications arise from elevated levels of glucose in tissues that enters the polyol pathway and is converted to sorbitol via aldose reductase. The sorbitol then accumulates inside certain cells,

resulting in various problems, many of which are linked to diabetic complications. Jones operates behind the theory that inhibiting aldose reductase can control these biochemical changes. However, while Jones addresses biochemical processes *within* the body, it does not teach about wound healing or problems associated on the *surface* of the skin.

On the other hand, Chen introduces a topical solution that is comprised of borneol and bismuth subgallate to help heal burns and scalds. The solution assists in preventing the formation of scars or granulation tissues by allowing the injured areas to regenerate its normal tenderness and appearance. However, the compound must be administered topically, *i.e.* on the surface of the body. In addition, Chen does not address biochemical changes that occur within the body at all.

Finally, Spence provides for wound dressings that can be applied to wounds on the skin. The dressing is specifically tailored towards secreting wounds and addresses the problem bacterial growth and crusted organic matter that will promote infection and delay healing. Similar to Chen, Spence addresses complications that arise *on the skin*, rather than inside the body.

There is no teaching to combine the prior art references because they involve distinct areas of the body. Specifically, there is no teaching to combine Jones, which involves biochemical changes *within* the body, with Chen and Spence, which addresses wound healing on the *surface* of the body. Furthermore, there is no teaching to combine Chen and Spence because Spence aims at preventing bacterial growth in secreting wounds, while Chen's primary purpose is to prevent scarring caused from burns or scalds. Therefore, one skilled in the art would not have been motivated to combine or modify the cited references because the prior art references address problems associated with distinct areas of the body.

Furthermore, even if the three references were combined, the claims would not be met because Jones, Chen, and Spence together do not provide "a method for identifying a compound that *improves* treatment of wounds to skin or another external body surfaces in an animal." See Claim 1, pg. 4, lines 11 – 12. Jones, Chen, and Spence together only offer compounds that will *assist* in wound healing, *not* a method to find other compounds. See Chen column 2, lines 14 – 19; Jones, pg. 4, line 1 – pg. 6, line 2. Therefore, Applicants respectfully submit that one of ordinary skill in the art at the time

of the invention would not combine Jones, Chen, and Spence. Applicant respectfully requests the obviousness rejection be withdrawn.

CONCLUSIONS

It is believed that all requirements of patentability are fully met, and allowance of the claims is respectfully requested.

If the Examiner believes it to be helpful, the Examiner is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Respectfully submitted,
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